



EASEMENTS IN ALASKA

A brief explanation of easements
required by the Alaska Native
Claims Settlement Act (Public
Law 92-203)



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FEDERAL - STATE
LAND USE PLANNING COMMISSION
FOR ALASKA
733 W. FOURTH AVENUE
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WHY ARE EASEMENTS REQUIRED?

Section 17(b) of the Alaska Native Claims Settlement Act authorizes and directs the Secretary of the Interior to reserve necessary public easements across lands transferred to Native Corporations. He is to decide what easements are reasonably necessary to provide for public access.

HOW ARE THESE EASEMENTS DEFINED ?

Easements under the Settlement Act will allow the general public, a public utility, or a government agency to cross over Native private lands to get to public lands or waters, or to use certain Native private lands for public roads, docks, or other access facilities.

WHAT ARE EASEMENTS GOING TO BE USED FOR?

- ° Existing trails across Native lands.
- ° Local public roads.
- ° Utility transmission lines.
- ° Airports and navigational facilities.
- ° Access from rivers and lakes used by the public across Native Lands to public lands.
- ° Periodic boat landings and campsites along rivers and lakes used for transportation or recreation.
- ° Access along the coastline.
- ° Transportation corridors designated by the Secretary

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HOW WILL THE EASEMENTS BE RESERVED?

Acting through the Bureau of Land Management, the Secretary must consult with Native landowners regarding easement proposals submitted by government agencies and user groups before the easements are reserved.

He must also consult with the State of Alaska and the Joint Federal-State Land Use Planning Commission for Alaska about what easements should be reserved.

HOW CAN I EXPRESS MY OPINION?

Persons who believe certain easements should be reserved or who oppose the reservation of certain easements should make their views known to the Anchorage or Fairbanks district offices of the Bureau of Land Management.

(1028 Aurora Dr., Fairbanks, AK 99701)
(4700 E. 72nd Ave., Anchorage, AK 99507)

TENTATIVE SIZE AND WIDTH STANDARDS*

- ° Trails- 25 feet for foot trails and snow machine trails.
50 feet for all terrain vehicle trails.
- ° Roads - 60 feet for local roads
100 feet for major highways
- ° Marine Coastline -25 feet
- ° Campsites, boat and floatplane pullout spaces - One acre more or less
- ° Corridors-Width will vary up to 6 miles.

*draft proposal by USDI, Mid May, '75

BENEFITS TO THE PUBLIC

- Gives the general public access through Native owned lands to public lands, waters or resources.
- Provides for local public transportation needs such as roads or dock facilities.
- Gives the general public continued use of existing trails.

DISADVANTAGES FOR NATIVE LANDOWNERS

- The Native corporation will be losing control of access on the land within the easement.
- The Native corporation will lose the right to develop in any way that would interfere with access on land where the easements are located. The exception to this may be special provisions for development within coastline easements.
- The existence of these easements may increase the possibility of trespass onto other Native private lands.

HOW CAN PUBLIC ACCESS BE PROVIDED IF EASEMENTS ARE NOT RESERVED?

- Voluntary Purchase- Access rights can be obtained through the negotiation and purchase of an easement or other use right from the private landowner.
- Public Taking- Acting under proper authority, the State, Federal or local government, and in some situations private parties, have the power to take private property for access purposes. Whenever this power of eminent domain is used, the owner will be paid the fair market value of his property.